

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JON HART, On Behalf of Himself and All Others
Similarly Situated, and On Behalf of the General Public,

Plaintiff,

v.

COMCAST OF ALAMEDA, INC.; COMCAST OF
CALIFORNIA II, INC.; COMCAST OF CALIFORNIA
III, INC.; COMCAST OF CALIFORNIA IX INC.;
COMCAST OF CALIFORNIA V INC.; COMCAST OF
CALIFORNIA VI INC.; COMCAST OF CALIFORNIA
X INC.; COMCAST OF CALIFORNIA XIII INC.;
COMCAST CORPORATION; COMCAST OF
FRESNO, INC.; COMCAST OF MARIN I, INC.;
COMCAST OF MARIN II, INC.; COMCAST OF
NORTHERN CALIFORNIA I, INC.; COMCAST OF
NORTHERN CALIFORNIA II, INC.; COMCAST OF
SACRAMENTO I, LLC; COMCAST OF
SACRAMENTO II, LLC; COMCAST OF SAN
LEANDRO, INC.; COMCAST OF SIERRA VALLEYS,
INC.; and DOES 1-250,

Defendants.

Case No. C-07-06350 PJH

**[PROPOSED] ORDER
GRANTING DEFENDANTS'
MOTION FOR JUDGMENT ON
THE PLEADINGS**

Date: May 21, 2008
Time: 9:00 a.m.
Dept: Courtroom 3
Judge: The Honorable Phyllis J.
Hamilton

1 Defendants' Motion for Judgment on the Pleadings came on for hearing on May 21, 2008
2 at 9:00 a.m. in Courtroom 3 of the above-referenced Court, the Honorable Phyllis Hamilton
3 presiding.

4 Based on the papers submitted in support of and in opposition to the Motion, the
5 argument of counsel at hearing, and for good cause shown, IT IS HEREBY ORDERED that
6 defendant's Motion is granted, on the following ground[s]:

7 Plaintiff's Complaint is stayed in its entirety under the doctrine of primary jurisdiction,
8 and pending further Order of the Court.
9 [or]

10 Plaintiff's Complaint and each of the claims therein fail to state a claim upon which relief
11 may be granted, as the Complaint and each of the claims therein are preempted by federal law,
12 [and/or] fail to state a claim for relief under California's Unfair Competition Law (Cal. Bus. &
13 Prof. Code § 17200), Consumer Legal Remedies Act (Cal. Civ. Code § 1770) and False
14 Advertising Law (Cal. Bus. & Prof. Code § 17500). Defendants and each of them are entitled to
15 entry of judgment and an appropriate award of costs.

16 IT IS SO ORDERED.

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19 Dated:

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The Honorable Phyllis J. Hamilton
UNITED STATES DISTRICT JUDGE
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